

MEMORANDUM

Agenda Item No. 11(A)(8)

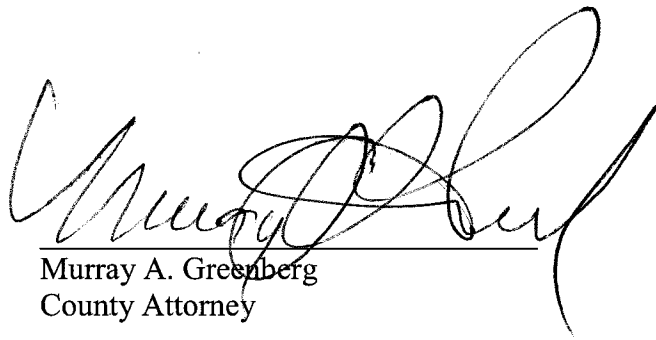
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution directing County
Manager to establish a trust
fund for the Jay Malina
International Trade
Consortium

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.




Murray A. Greenberg
County Attorney

MAG/bw

Date: October 10, 2006

To: Honorable Chairman Joe A. Martinez
And Members, Board of County Commissioners

From: Natacha Seijas, County Commissioner 

Subject: Resolution for the Establishment of ITC Trust Fund Account

RECOMMENDATION

It is recommended that the County Manager establish the "Jay Malina International Trade Consortium Trust Fund" to receive funds in the amount of \$110,628 transferred from the Trade Mission Center of the Americas, Inc. (TMC), and to expend these funds and receive and expend other funds for such activities as outlined below. It is further recommended that the trust fund be maintained and administered independent of the County Budget, and that purchases made through the trust fund of materials, supplies, food, and services related to the activities mentioned below not be subject to the County's formal bid and purchasing procedures outlined in Administrative Order 3-38.

BACKGROUND

Before the creation of the Jay Malina International Trade Consortium (ITC) as a department of Miami-Dade County in November 2002, the agency then known as the TMC, received funding from Miami-Dade County in accordance with annual agreements between the two parties commencing in the 1999-00 fiscal year.

In December 2000, the County's Budget Office transferred the balance of unused County funds of the FY 1999-00 contract to the TMC. The TMC, a 501c-3 not-for-profit organization, deposited these monies into its bank accounts, where they remain to this date.

At the request of the County Manager, the Audit and Management Services Department (AMS) recently conducted an audit of the ITC. One of the audit findings was that the 1999-00 contract between Miami-Dade County and TMC was on a reimbursable basis and that the transfer of the balance of funds in December 2000 should not have been made. Therefore, one of AMS's recommendations was for the TMC to return the County funds of \$110,628 to the direct control of ITC.

In accordance with the AMS's recommendation, the ITC Board of Directors and TMC Board of Directors have agreed to the transfer of these funds at their respective meetings on July 19, 2006.

PURPOSES OF ITC TRUST FUND ACCOUNT EXPENDITURES

Funds held in the “Jay Malina International Trade Consortium Trust Fund” are to be used for the following ITC related activities: marketing and promotion, including special protocol gifts; conferences, workshops, and events; receiving and hosting visiting dignitaries and trade missions; ITC led missions abroad; and for ITC Board of Directors’ retreats.

Any individual expenditure exceeding \$5,000 shall require the prior previous approval of the Executive Committee of the ITC Board of Directors; otherwise, the ITC Executive Director can expend funds for ITC related activities such as marketing and promotion, including special protocol gifts; conferences, workshops, and events; receiving and hosting visiting dignitaries and trade missions; ITC led missions abroad; and for ITC Board of Directors’ retreats without ITC Board approval. Any expenditure exceeding \$10,000 shall **also** require that three quotes on the proposed purchases be obtained, if practical and economically feasible.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
10-10-06

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MANAGER TO ESTABLISH A TRUST FUND INDEPENDENT OF THE COUNTY BUDGET WITH COUNTY FUNDS TRANSFERRED FROM THE TRADE MISSION CENTER OF THE AMERICAS, INC. FOR THE JAY MALINA INTERNATIONAL TRADE CONSORTIUM TO RECEIVE MONIES AND MAKE APPROPRIATE EXPENDITURES; WAIVING ADMINISTRATIVE ORDER 3-38; AND ESTABLISHING CRITERIA FOR THE EXPENDITURES OF THESE FUNDS

WHEREAS, the Audit and Management Services Department, at the request of the County Manager, conducted an audit of the Jay Malina International Trade Consortium (ITC); and

WHEREAS, the Audit and Management Services Department recommended that the \$110,628 which represented the balance of County funds which the County had transferred in December, 2000 to the Trade Mission Center of the Americas, Inc. (TMC) be returned to the direct control of the ITC; and

WHEREAS, the TMC was originally established in 2000 to develop the County's international trade agenda; and

WHEREAS, the ITC was created as the official County agency for international trade in 2002 to carry out the activities of the TMC; and

WHEREAS, the TMC continues to exist as a not-for-profit agency of the ITC; and

WHEREAS, the ITC Board of Directors and TMC Board of Directors have agreed to the transfer of these funds at their respective meetings on July 19, 2006; and

WHEREAS, the ITC is desirous of implementing the recommendations of the Audit and Management Services Department; and

WHEREAS, this board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The County Manager is directed to establish the “Jay Malina International Trade Consortium (ITC) Trust Fund” independent of the County Budget with County funds transferred from the Trade Mission Center of the Americas, Inc. to be administered by the ITC for the purpose of accepting and expending these and other funds, and for the use of these funds for the following ITC related activities: marketing and promotion, including special protocol gifts; conferences, workshops, and events; receiving and hosting visiting dignitaries and trade missions; ITC led missions abroad; and for ITC Board of Directors’ retreats.

Section 2. The County’s formal bid and purchasing procedures in Administrative Order 3-38 are waived with respect to purchases by the ITC of materials, supplies, food, and services related to the activities mentioned in Section 1 above. Any individual expenditure exceeding \$5,000 shall require the prior previous approval of the Executive Committee of the ITC Board of Directors; otherwise, the ITC Executive Director can expend funds for activities described in Section 1 without ITC Board approval. Any expenditure exceeding \$10,000 shall **also** require that three quotes on the proposed purchases be obtained, if practical and economically feasible.

The foregoing resolution was sponsored by Commissioner Natacha Seijas and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of October , 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Stephen Stieglitz